

H.A

Notice of Allowability	Application No.	Applicant(s)	
	10/812,372	PALMER ET AL.	
	Examiner	Art Unit	
	Hargobind S. Sawhney	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on.
2. ☒ The allowed claim(s) is/are 20-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>9/8/2005</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>7/8/2005</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. The amendment filed on June 30, 2005 has been entered. Accordingly:
 - The specification has been amended;
 - Claims 1-19 have been cancelled; and
 - New claims 21-31 have been added.
2. On September 8, 2005, the examiner and the attorney, Mr. John R. Owen, had a telephone conversation, wherein Claim 21 was discussed. The examiner identified the limitation "said human powered vehicle", recited in line 7, lacking sufficient antecedent basis. In response, Mr. Owen authorized an Examiner's amendment requiring the following:

Claim 21, line 1, replace "a vewhicle" with -- a human powered vehicle --;

Claim 21, line 4, replace "wheel" with -- tire --; and

Claim 27, line 5, replace "wheel" with -- tire --.

A copy of the interview summary is attached herewith.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. John R. Owen on September 8, 2005.

Claim 21, line 1, replace "a vewhicle" with -- a human powered vehicle --;

Claim 21, line 4, replace "wheel" with -- tire --; and

Claim 27, line 5, replace "wheel" with -- tire --.

Allowable Subject Matter

4. Claims 20- 31 are allowed.

The prior art of record, including Kanenari et al. (6,431,923 B1), Bare, IV (US Patent No.: 5,523,925), Niezrecki et al. (6,779,913 B2), Majumdar et al. (US Patent No.: 6,807,995 B1), Kubota (US Patent No.: 3,729,041) and Hindin et al. (US Patent No.: 3,452,799), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose a human- powered vehicle lighting structure combining:

- a tire having its inside coated with a photo-luminescent coating, and the tire inflated with a low-radioactive gas as recited in Claim 20;
- at least wheel having at least one reflective section concentric with a photo-luminescent section positioned on the tire as recited in Claim 21;
- at least wheel having a plurality of reflective section concentric with a photo-luminescent section positioned on the wheel as recited in Claim 27;
- a frame connected to a light emitting diode(LED) directing ultraviolet (UV) light against the photo-luminescent section as recited in claims 21 and 27.

The above-indicated combination, a human-powered vehicle including: a wheel tire inflated with a low-radioactive gas; and an LED directing UV light against a photoluminescent section positioned on the tire, makes this invention unique.

Neither combined nor individual teaching of Kanenari et al. (6,431,923 B1), Bare, IV (US Patent No.: 5,523,925), Niezrecki et al. (6,779,913 B2), Majumdar et al. (US Patent No.: 6,807,995 B1), Kubota (US Patent No.: 3,729,041) and Hindin et al. (US Patent No.: 3,452,799), discloses a human-powered vehicle combining the above-indicated features.

Therefore, claims 20, 21 and 27 are allowed over prior art.

Claims 22-26 are necessarily allowed because of their dependency on the allowed base Claim 21.

Claims 28-31 are necessarily allowed because of their dependency on the allowed base Claim 27.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

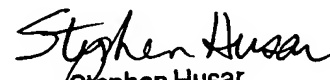
B. R. DE Young (U.S. Patent No.: 3,253, 634)

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9/8/2005
HSS


Stephen Husar
Primary Examiner